

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CORNELL SMITH,

Plaintiff,

vs.

CRIMINAL CASE NO. 04-80857

CIVIL CASE NO. 07-11145

HON. LAWRENCE P. ZATKOFF

MAGISTRATE JUDGE DONALD A. SCHEER

UNITED STATES OF AMERICA,

Defendant.

_____ /

**OPINION AND ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

This matter comes before the Court on Magistrate Judge Scheer's Report and Recommendation [dkt 283] of December 13, 2007, in which the Magistrate Judge recommends denying Petitioner's Motion to Vacate, Set Aside, or Correct Sentence [dkt 224]. Petitioner has not filed an objection to the Report and Recommendation. The Court has thoroughly reviewed the court file and the Report and Recommendation. As a result of that review, the Court ADOPTS the Report and Recommendation and enters it as the findings and conclusions of this Court as it pertains to the denial of Petitioner's Motion.

Therefore, IT IS HEREBY ORDERED that Petitioner's complaint is DISMISSED with prejudice.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff _____

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: February 8, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on February 8, 2008.

s/Marie E. Verlinde

Case Manager

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